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3 UNITED STATES DISTRICT COURT
4 CENTRAL DISTRICT OF CALIFORNIA

5
6 SANTA CLARITA VALLEY WATER
7 AGENCY,

Case No. 2:18-cv-06825-SB-RAOx

8 Plaintiff,

9 v.

10 **AMENDED JUDGMENT**

11 WHITTAKER CORPORATION and
12 DOES 1-10, inclusive,

13 Defendants.

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16 Pursuant to the jury's verdict, Dkt. No. [475](#), the Court's ruling on the Motion
17 for Judgment as a Matter of Law (JMOL), Dkt. No. [523](#), and the Court's rulings on
18 the parties' post-trial motions, Dkt. Nos. [599](#), [600](#), [601](#), it is ORDERED AND
19 ADJUDGED that:

20 1. Judgment is entered in favor of Plaintiff Santa Clarita Valley Water
21 Agency and against Defendant Whittaker Corporation on Plaintiff's claims for
22 negligence, private nuisance, and public nuisance in the amount of \$7 million in past
23 damages and \$68.3 million in reasonable restoration or repair costs (subject to offset
24 as stated below);

25 2. The judgment in favor of Plaintiff in the total amount of \$75.3 million is
26 reduced by (a) \$2.9 million for the settlement payment Plaintiff received from Saugus
27 Industrial Center, LLC (SIC) (as an offset), Dkt. No. 248, and (b) \$7.53 million for the

1 10% fault allocation made by the jury (as an offset);¹ and
2

3 3. Plaintiff is awarded prejudgment interest on its negligence, private
4 nuisance, and public nuisance claims in the amount of \$363,318.09 and an additional
5 amount of \$2,575,249.74 for the post-verdict period (December 3, 2021 to June 27,
6 2022 at a rate of 7%).

7 4. Judgment is entered in favor of Defendant and against Plaintiff on
8 Plaintiff's claim for trespass pursuant to the JMOL and the Court's ruling on
9 Plaintiff's motion for a new trial, Dkt. No. [600](#).

10 For the reasons set forth in the Court's separate Findings of Fact and
11 Conclusions of Law, Dkt. No. 524, the Court's ruling on Plaintiff's motion to amend
12 those findings, Dkt. No. [599](#), and the parties' joint report regarding interest
13 calculations, Dkt. No. [602](#), it is further ORDERED AND ADJUDGED that:

14 1. Plaintiff is entitled to judgment on its CERCLA cost recovery claim
15 under 42 U.S.C. § 9607(a) and its HSAA claim under Cal. Health & Safety Code §
16 25300 et seq. for its investigation, permitting, and design (IPD) costs only;

17 2. The judgment on Plaintiff's cost recovery claim for IPD costs is subject
18 to equitable allocation on Defendant's counterclaims for contribution under CERCLA,
19 42 U.S.C. § 9613(f)(1), HSAA, and Cal. Health & Safety Code § 25363 as follows:
20 90% to Defendant and 10% to Plaintiff;

21 3. Judgment is entered in favor of Plaintiff and against Defendant for
22 Plaintiff's IPD costs in the net amount of \$607,500, calculated as follows: \$675,000
23 (total amount) minus \$67,500 (10% offset).

24 4. Plaintiff is to take nothing on its claims for declaratory relief under
25 CERCLA, 42 U.S.C. § 9613(g) and 28 U.S.C. §§ 2201-2202 and for injunctive relief
26 under the Resource, Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.;

27 ¹ The jury assigned the following percentage of fault on Plaintiff's negligence claim:
28 60% for Defendant; 30% for SIC; and 10% for Plaintiff. The offset for SIC, however,
is not made on a pro rata basis in light of this Court's prior ruling. Dkt. No. 248.

5. Judgment is entered in favor of Plaintiff and against Defendant on Defendant's claims for equitable indemnification and for a declaratory judgment under federal law (42 U.S.C. § 9613(g)(2) and 28 U.S.C. §§ 2201-2202) and state law to the extent that Defendant sought to shift all liability to Plaintiff; and

The Court thus calculates the damages award against Defendant as follows:

Jury Verdict

\$75,300,000 (\$7,000,000 + \$68,300,000)

- \$7,530,000 (10% of \$75,300,000)

- \$2,900,000 (pro tanto offset for SIC settlement)

= \$64,870,000

Findings of Fact and Conclusions of Law

\$64,870,000

+ \$607,500

= \$65,477,500

Prejudgment Interest

\$65,477,500

+ \$363,318.09

+ \$2,575,249.74

= \$68,416,067.83

Taxed Costs

\$68,416,067.83

+ \$119,375.65

= \$68,535,443.48

* * *

Accordingly, Plaintiff shall recover from Defendant a judgment in the amount of \$68,535,443.48, plus post-judgment interest pursuant to 28 U.S.C. § 1961(a) at the

1 rate of 2.83% per annum running from the June 28, 2022 initial entry of judgment, at a
2 daily rate of \$5,313.84.

3 This is a Final Judgment.
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5 Dated: January 11, 2023
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7 STANLEY BLUMENFELD, JR.
8 UNITED STATES DISTRICT JUDGE
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